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SENATE BILL 165

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

CISCO MCSORLEY

AN ACT

RELATING TO CRIMINAL SENTENCING; REMOVING THE REQUIREMENT THAT A  
PHYSICIAN ATTEND THE EXECUTION OF A PERSON SENTENCED TO A  
JUDGMENT OF DEATH; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-14-15 NMSA 1978 (being Laws 1929,  
Chapter 69, Section 12) is amended to read:

"31-14-15. WHERE JUDGMENT [~~MUST~~] SHALL BE EXECUTED-- WHO  
MAY BE PRESENT.--A judgment of death [~~must~~] shall be executed  
within the walls of the state penitentiary at Santa Fe, and such  
execution shall be under the supervision and direction of the  
warden of [~~said~~] that institution. The warden of the state  
penitentiary [~~must~~] shall be present at the execution and [~~must~~]  
shall invite the presence of [~~a physician~~] the attorney general  
of the state and at least twelve reputable citizens, to be

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1 selected by [~~him and~~] the warden. [~~He~~] The warden shall, at the  
2 request of the defendant, permit such ministers of the gospel,  
3 not exceeding two, as the defendant may name, and any person,  
4 relatives or friends, not to exceed five, to be present at the  
5 execution, together with such peace officers as he may think  
6 expedient, to witness the execution. But no other persons than  
7 those mentioned in this section can be present at the execution  
8 nor can any person under age be allowed to witness the same."

9 Section 2. EFFECTIVE DATE. -- The effective date of the  
10 provisions of this act is July 1, 1997.

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